

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

08/12/20
04:59 PM

Order Instituting Rulemaking Regarding
Emergency Disaster Relief Program.

R.18-03-011
(filed March 22, 2018)

**AT&T'S OPENING COMMENTS ON THE
ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING COMMENTS ON WIRELINE PROVIDER RESILIENCY STRATEGIES**

[PUBLIC VERSION]

DAVID J. MILLER
MARGARET M. THOMSON
DAVID DISCHER
WALID ABDUL-RAHIM

AT&T Services, Inc.
430 Bush Street, Sixth Floor
San Francisco, CA 94108
Tel: (415) 268-9497
Fax: (281) 664-9478
E-mail: davidjmillers@att.com

Attorneys for AT&T

August 12, 2020

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	REGULATION OF BROADBAND AND VOIP SERVICES	3
III.	RESPONSES TO ISSUES AND QUESTIONS PRESENTED IN RULING	4
A.	Ruling Section 2.1: Questions Regarding Proposal and D.20-07-011 Applicability to Wireline Providers	4
1.	Resiliency.....	4
2.	Backup Power Requirement	5
a.	<i>Time Duration</i>	5
b.	<i>Deployment</i>	9
c.	<i>Service Level Coverage</i>	12
d.	<i>Customer Premises Backup Power</i>	13
e.	<i>Burden and Benefit of Wireline Backup Deployment</i>	16
3.	Communications Resiliency Plans.....	19
4.	Waivers	21
5.	Emergency Operations Plans	23
B.	Ruling Section 2.2: Wireline Industry Proposal	26
C.	Ruling Section 2.3: Communities Without Sufficient Wireless Coverage.....	30
D.	Ruling Section 2.4: Federal Communications Commission (FCC) Backup Battery Requirements.....	32
IV.	CONCLUSION	33

AT&T¹ hereby submits its opening comments regarding the *Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies* issued on July 22, 2020 in this proceeding (“Wireline Ruling” or “Ruling”).

I. INTRODUCTION

AT&T supports the Commission’s efforts to continue building on its foundational resiliency approach of “(1) collaboration between the Commission and the ... providers to meet future challenges; and (2) demonstration of each ... provider’s ability to maintain service during disasters and outages.”² We believe this focus will continue to be the most effective approach to enhancing the resiliency of California networks and services.

To a great extent, the Commission already has successfully addressed resiliency through its July “Decision Adopting Wireless Provider Resiliency Strategies” (“Wireless Resiliency Decision”).³ The Wireless Resiliency Decision includes measures to ensure the resiliency of wireless services, which are used by about 94% of California households.⁴ It is estimated that only about 3.3% of California households rely solely on wireline service.⁵ Thus, it is a small percentage of Californians that would potentially benefit from any additional wireline resiliency efforts.

¹ Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) and its affiliates AT&T Corp. (U 5002 C); Teleport Communications America, LLC (U 5454 C) are collectively referred to hereinafter as “AT&T.”

² *Decision Adopting Wireless Provider Resiliency Strategies*, Decision (D.)20-07-011, *mimeo*, at 97 (July 16, 2020).

³ D.20-07-011.

⁴ In 2018, it was estimated that about 94.1% of California’s households use wireless service. See National Center for Health Statistics, *National Health Interview Survey Early Release Program* (Dec. 2019), https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf.

⁵ In 2018, only 3.3% of California’s households relied exclusively on wireline service. See National Center for Health Statistics, *National Health Interview Survey Early Release Program* (Dec. 2019), https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf.

In assessing resiliency proposals for the wireline network, it is important to keep in mind that wireline services differ from wireless services in critical respects. Unlike wireless service, many of AT&T's wireline services require the customer to have power at their premises for the wireline service to function.⁶ Available statistics indicate that very few customers have purchased and installed the backup power necessary to support wireline services during a power outage,⁷ which greatly reduces the utility of additional backup power within that wireline network. In addition, while the most important components of AT&T's wireline network (central offices and switching centers) are fortified with 72+ hours of backup power, the distributed nature of the remainder the network equipment makes the deployment of additional ubiquitous backup power particularly burdensome and challenging.⁸ These issues are further explained in the accompanying declaration of Jeff Luong.

Given these characteristics, the only reasonable approach to wireline resiliency is to focus additional efforts on the specific types of wireline customers that would benefit most. AT&T proposes the following to address those customers:

- For first-responders, hospitals, emergency command centers, and wireless backhaul in High Fire-Threat District ("HFTD") Tiers 2 and 3: AT&T would offer high-speed fiber optic connections where available. This service would permit operation during an outage when the customer is able to provide power at its premises. If fiber is not reasonably available for any of these customers, AT&T will prioritize the support of those customers' service with portable backup power resources.⁹
- For communities in HFTD Tiers 2 and 3 that do not have wireless coverage: AT&T will prioritize support of their wireline network with portable backup power assets.¹⁰

⁶ See Section III.A.2.d., below.

⁷ See Sections III.A.2.d. and III.D., below.

⁸ See Sections III.A.2.a. and III.A.2.e., below.

⁹ The specifics of this proposal are discussed more fully in Section III.B., below.

¹⁰ The specifics of this proposal are discussed more fully in Section III.C., below.

In combination with the Wireless Resiliency Decision, these measures should ensure that nearly all Californians will have the capability to communicate and receive notifications during emergencies and power shutoffs.

II. REGULATION OF BROADBAND AND VOIP SERVICES

As a threshold matter, AT&T respectfully notes that the Wireline Ruling proposes some requirements the Commission does not have the legal authority to impose.¹¹ The proposal to include “basic internet browsing” within the definition of “minimum service levels”¹² and the potential application of requirements to broadband and Voice over Internet Protocol (“VoIP”) services¹³ would extend beyond the Commission’s state law jurisdiction¹⁴ and be federally preempted. It would unlawfully impose state regulation on broadband service, a well-established interstate information service.¹⁵ To the extent the Wireline Ruling proposes requirements on

¹¹ Some of the proposed requirements are similar to those proposed by the Public Advocates Office last year and in the Assigned Commissioner’s Ruling and Proposal, filed on March 6, 2020 (hereinafter, “March 6 Proposal”). In response, AT&T explained why these proposed requirements exceed the Commission’s jurisdiction, and AT&T incorporates those objections by reference here. *See AT&T’s Opposition to Motion by the Public Advocates Office for an Immediate Order* (“AT&T Opposition to PAO Motion”), Rulemaking (R.) 18-03-011, at 42-62 (June 19, 2019); *see also, AT&T’s Opening Comments on the Assigned Commissioner’s Ruling and Proposal*, at 6-8 (April 3, 2020).

¹² *Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies* (“Wireline Ruling” or “Ruling”), at 4 (July 22, 2020).

¹³ Although the Wireline Ruling is not entirely clear, these comments assume that the proposed applicability to “wireline providers” includes providers of both broadband and VoIP services because the March 6 Proposal included those services and the Wireline Ruling includes “basic internet browsing.” *See Assigned Commissioner’s Ruling and Proposal* (“March 6 Proposal”), Rulemaking (R.) 18-03-011, at 3 (March 6, 2020); Wireline Ruling at 4.

¹⁴ Under California law the Commission has the authority to regulate a “public utility,” which includes a “telephone corporation.” (Pub. Util. Code Section 216(a).) “Telephone corporation” is in turn defined in relation to “telephone line[s],” which are those operated in connection with, or facilitating, “communication by telephone....” (See Pub. Util. Code Sections 233, 234(a).) The capabilities of broadband and VoIP services extend far beyond “communication by telephone” and thus are not within the Commission’s general public utility law jurisdiction.

¹⁵ *See U.S. Telecom Ass’n v. FCC*, 825 F.3d 674, 730-31 (D.C. Cir. 2016) (approving the FCC’s conclusion that “broadband service falls within its jurisdiction as an interstate service”); *MediaOne Grp., Inc. v. County of Henrico*, 257 F.3d 356, 365 (4th Cir. 2001) (the FCC “has jurisdiction over all interstate communications services, including high-speed broadband services”). *Nat’l Ass’n of Regulatory*

providers of VoIP, such regulation is preempted by federal law because it contravenes the longstanding federal policy of nonregulation for information services.¹⁶ Nonetheless, AT&T is committed to working collaboratively with the Commission to continuously improve the resiliency of its services during these unprecedented times.

III. RESPONSES TO ISSUES AND QUESTIONS PRESENTED IN RULING

As directed by the Ruling, AT&T addresses the issues raised in the order presented.

A. Ruling Section 2.1: Questions Regarding Proposal and D.20-07-011 Applicability to Wireline Providers

1. Resiliency

In the context of wireless services, the Commission provided a definition of “resiliency” in D.20-07-011 that focuses on “the ability to recover from or adjust to adversity or change,” to be “achieved by Providers through various strategies intended to ensure that essential services are provided without interruption during power outages and other emergency events....”¹⁷

The decision then lists examples of potential resiliency strategies, including backup power,

Util. Comm’rs v. FCC, 746 F.2d 1492, 1498 (D.C. Cir. 1984) (citing 47 U.S.C. § 151). *See W. Union Tel. Co. v. Boegli*, 251 U.S. 315, 316 (1920) (holding that statutory provisions bringing telegraph companies under the Act to Regulate Commerce and placing them under the exclusive control of the Interstate Commerce Commission “so clearly establish the purpose of Congress to subject such companies to a uniform national rule as to cause it to be certain that there was no room thereafter for the exercise by the several states of power to regulate”). *See also* AT&T Opposition to PAO Motion at 57-60.

¹⁶ *Charter Advance Servs. (MN), LLC v. Lange*, 903 F.3d 715, 719 (8th Cir. 2018). *Id.* at 720. The FCC has also expressly acknowledged its “active role in VoIP regulation” and its interest in “allow[ing] the FCC to offer a solution that would apply nationwide and avoid the risk that VoIP providers will be subject to a patchwork of different and potentially conflicting rules across more than 50 different state and local jurisdictions.” Br. of FCC as Amicus Curiae in Supp. Plaintiffs-Appellees at 20, 26, *Charter Advanced Servs.*, 903 F.3d 715 (No. 17-2290), 2017 WL 4876900. *See also VoIP Coalition Application for Rehearing of Decision 19-08-025, Decision Adopting an Emergency Disaster Relief Program for Communications Service Provider Customers*, Rulemaking (R.)18-03-011 (September 23, 2019).

¹⁷ D.20-07-011, *mimeo*, at 60.

redundancy, hardening, temporary facilities, communications and planning.¹⁸ The Wireline Ruling asks two questions:

- 1. Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
- 2. Should this requirement be modified or tailored for wireline providers? If so, how?*

AT&T Response: AT&T believes that the D.20-07-011 definition of resiliency is sufficiently flexible to be applied to wireline services. As explained in more detail below, we believe that any resiliency requirements should be focused on the most critical wireline customers.

2. Backup Power Requirement

The Ruling requests comments on three aspects of a backup power requirement: 1) time duration; 2) deployment, and 3) service level coverage. Each is discussed below.

a. Time Duration

D.20-07-011 adopted a 72-hour duration for wireless provider backup power.¹⁹

Regarding a 72-hour time duration, the Ruling asks:

- 1. Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
- 2. Is it reasonable to adopt a backup power requirement of reduced duration?*
- 3. Should this requirement be modified or tailored for wireline providers? If so, how?*

AT&T Response: It is not reasonable to impose a 72-hour backup power requirement on all wireline services. Such a requirement is unnecessary, excessively burdensome, and impracticable.

¹⁸ *Id.*, mimeo, at 60-61.

¹⁹ *Id.*, mimeo, Ordering Paragraph 2.

AT&T's wireline network is designed with extensive backup power at key areas, including its central offices ("COs"), switching centers and 9-1-1 selective routers, all of which have at least 4 hours of backup batteries and 72 hours of generator capacity without refueling.²⁰ A large percentage of access lines are powered from the COs and do not require any further power within the network to operate. Approximately *****BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** *** of AT&T's access lines do not require power at any intermediate point in AT&T's network.²¹ During an outage, those lines will continue to provide service for as long as the CO has power (72+ hours) and the customer is able to power any necessary equipment at their premises.²²

However, due to its distributed nature, it is infeasible to ensure 72 hours of backup power to *all* equipment *throughout* AT&T's wireline network. Just in HFTD Tiers 2 and 3, which represent a significant portion of California, there are over *****BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** *** remote terminals ("RTs") and video ready access devices ("VRADs") that are designed with 4-8 hours of backup batteries.²³ Supplementing this 4-8 hours of backup power requires the deployment of a fleet of *****BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** *** portable generators.²⁴ A mandate to keep *all* RTs and

²⁰ *Declaration of Jeff Luong in Support of AT&T's Comments on the Assigned Commissioner and Administrative Law Judge's Ruling Requesting Comments on Wireline Provider Resiliency Strategies* ("Luong Declaration"), Rulemaking (R.)18-03-011, para. 8 (August 12, 2020).

²¹ *Id.*, para. 9.

²² *Id.* See Section III.A.2.d. below for further discussion of the importance of power at the customer's premises.

²³ *Id.*, para. 10. VRADs facilitate the provision of voice, data and video services to certain customers.

²⁴ *Id.*, paras. 10, 15. The use of portable generators is necessary because, as AT&T has noted in prior comments, installing onsite backup power at these locations is precluded by space constraints, local concerns, safety issues and extreme cost. See *AT&T's Opening Comments on the Assigned Commissioner's Ruling and Proposal*, Rulemaking (R.) 18-03-011 (April 3, 2020).

VRADs running for 72 hours during a power outage would require a tremendous and untenable amount of additional generators and labor.²⁵ VRAD batteries would have to be charged every two hours for the duration of a 72-hour outage to remain operational, requiring essentially continuous recharging of batteries for multiple days.²⁶ Where roads are closed or traffic signals are not operational, it may not be possible to access areas needing portable generators and/or refueling.²⁷ Finally, even if they are successfully deployed and refueled, portable generators are sometimes stolen or vandalized.²⁸

A 72-hour wireline backup power mandate would cause negative impacts on California communities. Municipalities are unlikely to allow AT&T to deploy large equipment – such as the portable generators that would recharge batteries serving RTs and VRADs – extensively throughout the public Rights-of-Way (“ROW”), especially if the generators are required to remain running for as long as 3 days.²⁹ There is limited space in the public ROW,³⁰ and access to this limited space may be particularly challenging where multiple wireline providers are vying for it. Mobile generators would create noise emissions of approximately 80 decibels, which may not comply with local noise ordinances when operated for 72 hours continuously.³¹ Running diesel generators on all Tier 2 & 3 RTs and VRADs for 72 hours would produce approximately 1,339 metric tons of CO₂ emissions, for AT&T’s facilities alone.³² AT&T would also have to run

²⁵ *Id.*, para 11.

²⁶ *Id.*, para. 15.

²⁷ *Id.*

²⁸ *Id.*, para. 16.

²⁹ *Id.*, para. 12.

³⁰ *Id.*

³¹ *Id.*, para. 13.

³² *Id.*, para. 14.

those generators for maintenance, which would generate an additional 74 metric tons of CO₂ emissions.³³ Please see Section III.2.e. for additional discussion of the extraordinary burdens of a 72-hour wireline backup power mandate.

Such a wireline backup power requirement would not only be impracticable and cause negative community impacts, it would have limited benefit. The vast majority of Californians need not and do not rely on wireline services for emergency communications. About 94% of California households have a wireless phone, while a mere 3.3% of California households rely exclusively on wireline service.³⁴ The Commission has already established a resiliency approach for wireless services,³⁵ which are better suited for emergency communications given their inherent mobility and the ability of equipped phones to receive Wireless Emergency Alerts (“WEAs”).³⁶ The National Emergency Number Association reports that more than 80 percent of 9-1-1 calls originate from mobile phones.³⁷ Moreover, while wireless service does not require power at the customer premises to work, most wireline services do. As discussed in more detail in Section III.A.2.d., below, only a small percentage of California households is equipped to use wireline services during a power outage, thus mandating additional power within the wireline network would be of limited utility.

³³ *Id.*

³⁴ See National Center for Health Statistics, *National Health Interview Survey Early Release Program* (Dec. 2019), https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf

³⁵ See D.20-07-011.

³⁶ *Declaration of Peter B. White in Support of AT&T’s Opening Comments on The Assigned Commissioner’s Ruling and Proposal* (“April 3, 2020 Declaration of White”), Rulemaking (R.)18-03-011, para. 3 (April 3, 2020).

³⁷ See *9-1-1 Statistics*, NENA The 9-1-1 Association, <https://www.nena.org/page/911Statistics> (last visited Aug. 10, 2020).

Given these facts, AT&T believes resources and additional efforts to improve wireline resiliency are best targeted to ensure continuity of service for key wireline customers, namely critical facilities and communities without wireless coverage. These proposals are discussed further in Sections III.B. and III.C., below.

b. Deployment

Decision 20-07-011 recognizes that “it is sometimes infeasible to deploy on-site backup generation at every site necessary”³⁸ and declined to adopt such a requirement.³⁹ The decision instead allows wireless providers “to maintain service through various technological means,”⁴⁰ and allows a 12-month implementation period. The Ruling asks:

- 1. Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
- 2. Should this requirement be modified or tailored for wireline providers? If so, how?*

AT&T Response: AT&T respectfully requests that, to the extent the Commission imposes any resiliency requirement on wireline services, that requirement include the same flexibility allowed for wireless services—to use “various technological means” to maintain service. There is no legitimate basis to disallow this flexibility to wireline providers, especially after it has been afforded to wireless providers. Indeed, there are several reasons it is even more important to include flexibility in any wireline approach.

Disallowing the use of “various technological means” for wireline providers would require, as a practical matter, the installation of 72 hours of *onsite* backup power at every piece of equipment in the wireline network. As noted in “AT&T’s Opening Comments on the

³⁸ Wireline Ruling at 4.

³⁹ D.20-07-011, *mimeo*, at 88.

⁴⁰ *Id.*, *mimeo*, at 89.

Assigned Commissioner’s Ruling and Proposal,” filed April 3, 2020 (hereinafter, “April 3 Comments”), that would be infeasible for many of AT&T’s wireline facilities, including controlled environment vaults (“CEVs”), microwaves, huts, field cabinets, head ends, RTs, VRADs, and premises equipment.⁴¹

VRADs and RTs are good examples of the difficulties that would be created in attempting to install 72-hours of onsite backup power at each of these cabinets throughout AT&T’s wireline network. 72 hours of redundant backup power at each of these RTs and VRADs generally would require 18 strings of batteries in six cabinets, or a fixed generator, which would require a footprint of 70 to 300 square feet for each.⁴² This likely would be infeasible in most areas because the available space in the public ROW averages only five to eight feet wide.⁴³ Below is a depiction of how much additional space batteries capable of powering an RT for 72 hours would consume in the public ROW.⁴⁴

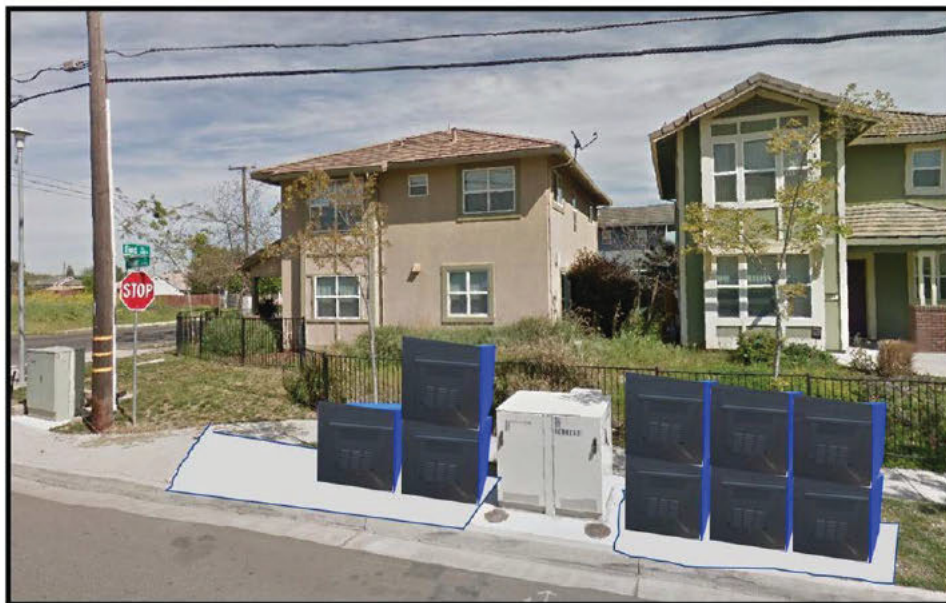
⁴¹ *Declaration of Jeff Luong in Support Of AT&T’s Opening Comments on the Assigned Commissioner’s Ruling and Proposal* (“April 3, 2020 Declaration of Luong”), Rulemaking (R.)18-03-011, para. 30 (April 3, 2020).

⁴² *Id.*, para. 28.

⁴³ *Id.*

⁴⁴ *Id.*, Att. B.

**Depiction of Remote Terminal with 72 Hours of Backup Battery Capacity
[batteries are shaded grey/blue]**



A permanent generator would require a 100-gallon propane tank on a 300 square foot footprint.⁴⁵ This option also is infeasible given the constraints of the average ROW.

Depiction of Remote Terminal with 72 Hours of Fixed Generator Capacity⁴⁶



⁴⁵ *Id.*, para. 28.

⁴⁶ *Id.*, Att. B.

Moreover, even if AT&T could find enough space, it is highly unlikely that any municipality would allow 100 gallons of propane fuel in tanks along the sidewalks. This may be particularly hazardous in High Fire Threat District Tiers 2 and 3. Many municipalities have ordinances limiting the number and/or size of cabinets within the ROW, which would make it physically impossible to place all the needed batteries or the fixed generator with its propane tank in the ROW.

Even if these formidable barriers could be overcome, it would be imprudent to pursue a 72-hour onsite backup power goal for all components of AT&T's wireline network. The opportunity to use 72 hours of backup power occurs extremely rarely. Yet, the cost to maintain such power throughout AT&T's wireline network would be truly astronomical,⁴⁷ especially when compared to the severely limited public benefit it would provide.

For these reasons, the only feasible resiliency approach for wireline providers is to allow them the same flexibility permitted wireless providers: to use “various technological means” to maintain service. One of these is the use of portable generators, which are more flexible and cost-effective, and less objectionable to local jurisdictions. If anything, the distributed nature of wireline networks makes it even more important to allow this flexibility to wireline providers than wireless providers.

c. Service Level Coverage

The Ruling notes that D.20-07-011 defined “minimum service levels” as maintaining access to “(a) 9-1-1 service; (b) 2-1-1; (c) the ability to receive emergency alerts and notification;

⁴⁷ See AT&T's *Opening Comments on the Assigned Commissioner's Ruling and Proposal*, Rulemaking (R.) 18-03-011, at 25 (April 3, 2020).

and (d) basic internet browsing during a disaster or commercial power outage.”⁴⁸ Regarding these minimum service levels, the Ruling asks:

- 1. Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
- 2. Should this requirement be modified or tailored for wireline providers? If so, how?*

AT&T Response: AT&T generally supports this definition of “minimum service levels.”

However, as noted above,⁴⁹ the Commission lacks the jurisdiction to impose any requirements on VoIP service. Moreover, AT&T requests that the definition be revised to acknowledge that the only emergency alerts and notifications that can be received over traditional telephone service or VoIP service are automated alert phone calls. As a technical matter, traditional telephone service and VoIP cannot receive text alerts or WEAs. That technical reality should be clearly stated such that the emergency response community and the public are fully aware of the capabilities various services afford. In addition, neither traditional telephone service nor VoIP service allows customers to browse the internet. Aside from these jurisdictional and technical exceptions, AT&T generally supports D.20-07-011’s “minimum service level” definition.

d. Customer Premises Backup Power

The Wireline Ruling notes some parties have commented that any backup power requirement would have limited public benefit because relatively few customers have the backup power at their homes that is necessary to support the required customer premises equipment.⁵⁰

The Ruling poses two questions regarding this issue:

- 1. Please provide comment on whether applying a 72-hour backup power requirement is reasonable for wireline companies.*

⁴⁸ Wireline Ruling at 4.

⁴⁹ See Section II of these comments.

⁵⁰ Wireline Ruling at 4.

2. *What barriers exist that may make a broad backup power requirement infeasible or impracticable for wireline providers?*

AT&T Response: AT&T agrees with other commenters that the lack of backup power at customer premises would severely limit the public benefit of any wireline backup power requirement for the mere 3.3% of California households relying exclusively on wireline service.⁵¹ This limited public benefit, combined with the excessive burdens of providing ubiquitous 72-hour backup power in AT&T's wireline network (*see* Sections III.2.a. and III.2.e. of these comments), render a such a requirement unreasonable.

As other commenters have noted, many wireline services require power at the customer premises in order to function. Broadband service includes the installation of a modem at the customer's premises, and that modem must be powered at the customer's premises—either by commercial power or backup power.⁵² Most customers use WiFi to connect their computer to their internet service, and the WiFi router must also be powered at the customer's premises.⁵³ Further, if the customer is using a desktop computer to access the internet, that computer also will require power at the customer's premises. Laptop computers will hold out as long as their batteries last, but few (if any) have 72-hour batteries. Thus, there are numerous pieces of equipment involved in providing internet access that require power at the customer premises, and the failure of a customer to back any of them up will prevent the customer from accessing the internet during a power failure—regardless of how much backup power is installed in a broadband network.

⁵¹ Luong Declaration, para. 5.

⁵² *Comments of Cox California Telcom, LLC d/b/a Cox Communications (U-5684-C) on Assigned Commissioner's Ruling and Proposal*, Rulemaking (R.)18-03-011, at 14-15 (April 3, 2020); *Opening Comments of Charter Communications, Inc. on the Assigned Commissioner's Proposal*, Rulemaking (R.)18-03-011, at 8-10 (April 3, 2020).

⁵³ Luong Declaration, para. 18.

VoIP service also requires power at the customer's premises. VoIP runs over broadband service, so again there must be commercial or backup power at the customer's premises for the broadband modem and any WiFi router. In addition, VoIP customer premise equipment requires power at the customer's premises, but only a very small percentage (perhaps 3% or less) purchase backup power for their VoIP service.⁵⁴ Finally, an overwhelming majority of residential phone customers now use cordless phones, which also require power at the customer's premises.⁵⁵

Even traditional telephone service often requires backup power at the customer's premises to operate. All traditional telephone service customers with cordless phones must have power (commercial or backup) at their premises for their cordless phones to operate. As noted above, that is an overwhelming majority of customers. And when service is provided over fiber optic facilities, the optical network terminal at the customer's premises will also require power.⁵⁶

Regardless of the type of wireline service, it is highly likely that the customer will require either commercial or backup power at their residence for the service to operate. Currently, only a

⁵⁴ AT&T's customers purchase backup batteries for their VoIP service from third-party vendors, which are unable to identify the number of batteries sold to AT&T customers. *See* Section III.D., below. The National Cable and Telecommunications Association has commented on the percentage of customers actually purchasing a battery backup for their VoIP service, stating: "[b]ased on information gathered from some of NCTA's larger members, the percentage of new voice customers electing to purchase a backup battery is not more than three percent, and for some companies it is less than one percent." *Comments Of The National Cable & Telecommunications Association*, PS Docket No. 14-174, at 8 (Feb 5, 2015), available at: <https://ecfsapi.fcc.gov/file/60001026792.pdf>.

⁵⁵ *See* Consumer Electronics Association, *Digital America: State of the U.S. Consumer Electronics Industry 1* (2013), available at <http://www.ce.org/News/Publications/Digital-America.aspx>. Additionally, the CPUC has previously recognized the limitations of wireline service during power outages, commenting in the FCC's *Backup Power* proceeding that "[t]he CPUC's advocacy division, the Office of Ratepayer Advocates, has obtained information showing that the 'take rate' for cordless phones vastly outstrips new purchases of corded phones. Cordless phones also are not self-powered and fail during a power outage." *Comments of the California Public Utilities Commission* PS Docket No. 14-174, at 4 (Feb 5, 2015), available at: <https://ecfsapi.fcc.gov/file/60001036811.pdf>.

⁵⁶ Luong Declaration, para. 18.

small portion of California residences have backup power, and few (if any) have backup power that will last for 72 hours.⁵⁷ As a result, it is very likely that longer duration backup power installed in the network will not provide a significant public benefit.

e. Burden and Benefit of Wireline Backup Deployment

The Ruling notes that commenters indicated a wireline backup requirement would be burdensome and have limited public benefit, given the lack of backup power at customer premises.⁵⁸ In relation to these comments, the Wireline Ruling poses the following:

- 1. Please provide comments on this position. What is the public benefit, if any, for wireline providers to maintain their networks for all customers during a power outage?*
- 2. Which wireline facilities or portions of the wireline infrastructure present challenges in meeting backup power requirements?*

AT&T Response: As AT&T notes above in Section III.2.a. of these comments, the burden of a ubiquitous 72-hour backup power requirement throughout HFTD Tiers 2 and 3 is not justified by any benefit it may provide. AT&T has over four thousand RTs and VRADs in HFTD Tiers 2 and 3.⁵⁹ Each RT is designed to provide 8 hours of backup power and each VRAD is designed with 4 hours.⁶⁰ Due to the space and permitting constraints explained above in Section III.2.b. of these comments, it is not possible to augment these capabilities with onsite batteries or generators.

⁵⁷ See <https://handymansworld.net/how-long-can-generator-run-continuously/>. Moreover, any effort to encourage Californians to install more backup power at their homes must be carefully designed to ensure that the backup power used does not, itself, create safety hazards (e.g., portable generators and stored fuel).

⁵⁸ Wireline Ruling at 4.

⁵⁹ *Id.*, para. 11.

⁶⁰ *Id.*

Nor is it possible to ensure that each and every RT and VRAD is backed up continuously for 72 hours with portable generators. Backup with portable generation requires that a technician drive a generator to each of the RTs and VRADs requiring it.⁶¹ There are more than four thousand RTs and VRADs spread throughout HFTD Tiers 2 and 3,⁶² which covers a large portion of the state. Each generator must be transported, set up, connected, monitored, refueled, disconnected, taken down and stored.⁶³ VRAD batteries must be charged every two hours, which would essentially result in continuous charging for multiple days.⁶⁴ Adding to the difficulty, disasters and shutoffs are often accompanied by traffic congestion, road closures, traffic signal outages and other deployment challenges.⁶⁵ Generators are sometimes stolen or vandalized, which would require location of another generator and additional technician trips.⁶⁶ The extensive generator and personnel resources required for such a vast generator deployment, maintenance and retrieval effort render it infeasible.⁶⁷

Deployment and operation of such a vast fleet of generators would raise additional concerns. Residents and local officials often oppose the continued operation of portable generators in or near the public ROW due to noise and exhaust.⁶⁸ Mobile generators emit noise measuring approximately 80 decibels and running them all day and night may not comply with local noise ordinances.⁶⁹ Running diesel generators at all of AT&T's RTs and VRADs in HFTD

⁶¹ *Id.*, paras. 11,15.

⁶² *Id.*, para. 11.

⁶³ *Id.*, paras.11, 15.

⁶⁴ *Id.*, para. 15.

⁶⁵ *Id.*

⁶⁶ *Id.*, para. 16.

⁶⁷ *Id.*, para. 15.

⁶⁸ *Id.*, para. 11.

⁶⁹ *Id.*, para. 13.

Tiers 2 & 3 for 72 hours would produce approximately 1,339 metric tons of CO₂ emissions, and maintaining those generators would emit another 74 metric tons of CO₂.⁷⁰ Space is limited in the ROWs, and that challenge could be exacerbated where multiple wireline providers are vying for the same space. The following pictures depict examples of portable generators used for RTs and VRADs:⁷¹



⁷⁰ *Id.*, para. 14.

⁷¹ *See id.*, Attachment A.

These burdens outweigh any benefit provided by the additional backup power capability. As noted above, about 94% of California households have a wireless phone, while only 3.3% rely exclusively on wireline service.⁷² The wireline network essentially is redundant for customers with wireless services. Wireless customers will receive emergency notifications on their mobile phones in the form of WEAs, text messages and emails. Only the 3.3% of “wireline-only” customers would benefit from any additional wireline backup power, and then only if they have signed up for emergency alert voice phone calls. And only a small portion of that 3.3% is likely to have the backup power at their premises necessary to receive these emergency voice phone calls.⁷³ Thus, a ubiquitous 72-hour wireline backup power requirement would result in little practical benefit. Accordingly, AT&T recommends that any wireline backup power requirement be carefully focused on the most critical customers, as discussed in Sections III.B. and III.C., below.

3. Communications Resiliency Plans

D.20-07-011 requires facilities-based wireless providers to file a “Communications Resiliency Plan” that “describes how the wireless providers shall maintain a minimum level of service and coverage”⁷⁴ and “assure[s] the Commission that the wireless providers transparently and thoughtfully plan for wildfire and de-energization adversity in advance to protect the public health, safety, and welfare of California.”⁷⁵ The Wireline Ruling seeks comment on the following questions relating to the wireless Resiliency Plan requirement of D.20-07-011:

⁷² See National Center for Health Statistics, *National Health Interview Survey Early Release Program* (Dec. 2019), https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf

⁷³ See Section III.2.d. of these comments.

⁷⁴ D.20-07-011, *mimeo*, at 140.

⁷⁵ *Id. mimeo*, at 100.

1. *Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
2. *Should this requirement be modified or tailored for wireline providers? If so, how?*

AT&T Response: AT&T has no objection to filing a Communications Resiliency Plan that also covers its relevant wireline services. However, AT&T requests that the filing be information-only rather than a Tier 2 Advice Letter.

While the Communications Division is “to develop and adopt standardized templates as well as a submitted schedule for the Communications Resiliency Plan within 30 days from the adoption of the decision,”⁷⁶ D.20-07-011 explains the requirements and submission of the Resiliency Plan are “not an effort by the Commission to micromanage the wireless providers’ operations.”⁷⁷ Although D.20-07-011 disavows any attempt to “micromanage,” it orders the filing of the Resiliency Plan “via [a] Tier 2 Advice Letter”⁷⁸ without explanation or justification.

Tier 2 Advice Letters are appropriate for matters that require staff review and approval;⁷⁹ however, other than ensuring providers’ Resiliency Plans contain the required elements, which will be set out in templates, there is nothing for staff to review and approve. A Tier 2 Advice Letter is thus not the appropriate method for submitting the Resiliency Plans. As D.20-07-011 explains, the Resiliency Plans are to show the Commission that providers have “thoughtfully plan[ned] for wildfire and de-energization adversity in advance to protect the public health,

⁷⁶ *Id.*, *mimeo*, Ordering Paragraph 1.

⁷⁷ *Id.*, *mimeo*, at 87.

⁷⁸ *Id.*, *mimeo*, Ordering Paragraph 1.

⁷⁹ General Order (“GO”) 96-B, Telecommunications Industry Rule 7.2. – Matters Appropriate to a Tier 2 Advice Letter.

safety, and welfare of California.”⁸⁰ The submission of the Resiliency Plans squarely meets the definition of an “Information-only Submittal” set out in General Rule 3.9 of General Order 96-B:

“Information-only Submittal” means an informal report, required by statute or Commission order, that is submitted by a utility to the Commission, but that is not submitted in connection with a request for Commission approval, authorization, or other relief. “Information-only Submittal” includes both periodic and occasional reports.⁸¹

Because the submission of the wireline Resiliency Plans do not seek “Commission approval, authorization, or other relief,” Tier 2 Advice Letters (which are subject to Communications Division disposition) are not appropriate. At most, the Resiliency Plans could be submitted as Tier 1 Compliance Advice Letters as provided for in Rule 7.1(3) of the Telecommunications Rules of General Order 96-B and as similarly adopted by D.19-08-025 in this proceeding for providers’ provision of the Commission’s consumer assistance requirements following a declared state of emergency resulting in disrupted or degraded utility service.

4. Waivers

D.20-07-011 allows providers to identify facilities that do not need backup power or cannot be provided with backup power due to safety, legal, impossibility and/or infeasibility issues.⁸² The Ruling asks:

1. *Please provide comment on whether the Commission should adopt this requirement for wireline providers?*
2. *Please provide comments on how the Commission should define “objectively not feasible.”*
3. *Should this requirement be modified or tailored to for wireline providers? If so, how?*

⁸⁰ D.20-07-011, *mimeo*, at 140.

⁸¹ GO 96-B, General Rule 3.9 – Information-only Submittal.

⁸² *See* D.20-07-011, *mimeo*, at 106-07, Ordering Paragraph 1.

AT&T Response: To allow for needed flexibility, these provisions must be included in any plan for wireline providers. Each is critical. *First*, the need for the provision that allows providers to identify facilities or classes of facilities that do not require backup power to provide the identified level of service is self-explanatory. There is no rational basis to require wireless or wireline providers to install backup power that is not necessary. *Second*, allowing the identification of facilities or classes of facilities where the identified level of backup power would cause significant risk to public safety or would violate the law is equally necessary for wireless and wireline providers. Wireline providers should not be forced to create significant public safety risks or violate the law. *Third*, wireline providers, like wireless providers, should be allowed to identify facilities where the level of backup power is objectively impossible or objectively infeasible to achieve. If anything, given the limited utility and extreme burden of wireline backup power, wireline providers should be afforded more flexibility than wireless providers regarding the installation of backup power.

AT&T does not support further definition of the term “objectively not feasible” in this proceeding. The expedited schedule of this proceeding does not permit a thorough examination of all the circumstances in which backup power may not be feasible. It is impossible to identify and consider all such circumstances through two rounds of comments in a matter of weeks. A cursory examination would risk missing important details and circumstances. Allowing wireline providers, like wireless providers, to identify those situations and the basis for infeasibility in their Resiliency Plans is an appropriate approach.⁸³

⁸³ Moreover, further definition of the term in this phase of the proceeding may allow parties to argue that the revised definition should also be used to interpret the wireless decision (D.20-07-011). That would violate the due process rights of wireless providers.

5. Emergency Operations Plans

With regard to the Emergency Operations Plan required by D.20-07-011, the Ruling poses two questions:

1. *Please provide comments on whether the Commission should adopt this requirement for wireline providers.*
2. *Alternatively, should this requirement be modified or tailored to fit an implementable approach for wireline providers? If so, how?*

AT&T Response: AT&T is supportive of the Emergency Operations Plan adopted in D.20-07-011 (the Decision), and generally believes that the Commission can adopt the Emergency Operations Plan (and its specific requirements) for wireline providers. However, AT&T urges the following modifications:

The Wireline Carriers Should Have Flexibility in Providing a Map of Outages: The Decision includes a directive that “as soon as reasonably possible, at the onset of a disaster or PSPS event, each wireless provider shall post, and update at least daily, on its website a map of outages and service impacts, a description of any outage impacts in the specified areas, and the expected restoration time.” While a map depicting wireless outages is feasible, a similar map for wireline outages is not so. AT&T has over 50,000 wireline nodes. An outage that encompasses almost any number of nodes will result in a map of densely-packed indicators, that could only be viewed either at a very granular level (which would be very difficult to implement) or at a very high level (which is of limited utility).

AT&T appreciates the Commission’s desire to provide useful information to emergency response stakeholders and the public in general. However, AT&T does not believe that a “map” should be mandated for wireline outages. Useful information can be conveyed in other, more user-friendly formats (for example, a color-coded table of municipalities affected by an outage).

Accordingly, AT&T urges that the Commission allow flexibility in providing wireline outage information.

Furthermore, the requirement of providing “expected restoration time” is unrealistic, given the fluidity of PSPS and disaster events. For PSPS events, footprints change frequently leading up to a power shutdown. When those changes occur, AT&T must completely reassess the deployment of its assets (*e.g.*, personnel and generators that have been pre-staged and that are planned for deployment). This reassessment impacts refueling schedules, deployment times based on current traffic conditions, and battery discharge rates based on real-time power consumption, among other factors. For both PSPS and disaster events, there are simply too many variables, most of which are based largely on real-time environmental factors, to provide expected restoration time with any level of confidence. Further, the lack of certainty in those reports raises questions about the value they would have to the recipient agencies. An additional difficulty in requiring reporting during disasters is that providers frequently will not know when commercial power will go out due to damage from the disaster.

In addition, AT&T’s wireline network in California includes thousands of network elements that might be affected by a PSPS or disaster event, and often AT&T is not in control of when service restoral will occur. Depending on the event, AT&T’s access to its equipment may be restricted by first responders because of safety issues (such as the proximity of a wildfire); by the lack of access due to the event itself (for example, in the case of a severe earthquake or flood); or if the equipment damage is so extensive that an assessment of the restoral time requires complex analysis and/or vendor support. In the case of a PSPS event, restoral of commercial power may be required, over which AT&T has no control.

Accordingly, AT&T requests that the mandate in Section 6.8.2 of the Wireless Resiliency Decision (under Public Communications Plans, at 119) be modified as follows:

“Next, as soon as reasonably possible, at the onset of a disaster or PSPS event, each wireless provider shall post, and update at least daily, on its website a map information regarding ~~of outages and service impacts, a description of any outage impacts in the specified areas, and the expected restoration time.~~”

Notifications to Impacted Subscribers can only be Made if Electric Utilities Give Timely

Notice of PSPS Events: The Wireless Resiliency Decision includes a directive that “upon receiving notice from an electric utility that a PSPS event will occur, wireless providers must alert the subscribers in the impacted community of service impacts.” However, wireless providers can only provide meaningful, timely alerts to subscribers if they have time to do so.⁸⁴ The timing of electric utility notices is governed by the Commission’s de-energization guidelines;⁸⁵ hence, the directive to carriers should be contingent on the provision of timely PSPS notice by the electric utilities.

Accordingly, AT&T requests that the mandate in Section 6.8.2 of the Decision (under Public Communications Plans, at 119) be modified as follows:

“In addition, upon receiving timely notice from an electric utility that a PSPS event will occur, wireless providers must alert the subscribers in the impacted community of service impacts.”

⁸⁴ For example, in the recent PSPS event, Southern California Edison provided only 30 minutes notice to AT&T.

⁸⁵ *Resolution Extending De-Energization Reasonableness, Notification, Mitigation And Reporting Requirements in Decision 12-04-024 to All Electric Investor Owned Utilities*, Resolution ESRB-8, (July 12, 2018); *Decision Adopting De-Energization (Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines)*, Decision (D.)19-05-042 (May 30, 2019); *Decision Adopting Phase 2 Updated and Additional Guidelines for De-Energization of Electric Facilities to Mitigate Wildfire Risk*, Decision (D.)20-05-051, (May 28, 2020).

B. Ruling Section 2.2: Wireline Industry Proposal

The Ruling requests comment on a series of questions relating to the proposal made by certain commenters to provide backup for specified service to a list of critical facility types:

1. *Is this proposal reasonable?*
2. *Is it reasonable for non-critical customers to lose wireline communications during a power outage?*

AT&T Response: Yes, we believe that CCTA’s Alternative Proposal for Network Resiliency as described in its April 3, 2020 Opening Comments (“the Wireline Industry Proposal”) is feasible, focused, cost-justified, and therefore reasonable. The Wireline Industry Proposal, as implemented by AT&T, would allow a list of critical facilities customers in HFTD Tiers 2 and 3 to order a service designed to ensure continuity during a PSPS event. Where available, AT&T’s fiber-based solution would provide the greatest assurance for service reliability during a prolonged power outage event.⁸⁶

In today’s telecommunications environment, wireline telephone service is not the primary communications service for the vast majority of California residential customers. Only 3.3% of California households in 2018 relied solely on wireline service.⁸⁷ As of December 2018, the FCC reports that there were over 43 million mobile telephony voice subscriptions in California.⁸⁸ And the National Emergency Number Association reports that more than 80% of 9-1-1 calls originate from mobile phones.⁸⁹ The data overwhelmingly support the position that wireless service, and

⁸⁶ Luong Declaration at 32.

⁸⁷ See National Center for Health Statistics, *National Health Interview Survey Early Release Program* (Dec. 2019), https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf.

⁸⁸ See *Voice Telephone Services: Status as of December 31, 2018*, Industry Analysis Division Office of Economics and Analytics, Federal Communications Commission, Supplemental Table 1 (March 2020), <https://docs.fcc.gov/public/attachments/DOC-362882A1.pdf>.

⁸⁹ See *9-1-1 Statistics*, NENA The 9-1-1 Association, <https://www.nena.org/page/911Statistics> (last visited Aug. 10, 2020).

not wireline service, is the preferred communications service for Californians, even when calling 9-1-1 during an emergency.

3. Is the proposed list of critical facility customers sufficient?

AT&T Response: The Wireline Industry Proposal would properly allocate limited resources – such as generators and personnel – to ensure that critical customers are provided the minimum level of communications services during prolonged power outages to protect the communities that they serve. AT&T believes that the customers identified in the Wireline Industry Proposal are critical customers and it is reasonable to limit the proposal to these customers at this time. In the future, Cal OES may identify other critical customers, but the appropriate solutions for those customers may differ and need to be considered at that time.

4. What components of wireline networks need to remain in service in order to maintain service for wireless carrier customers?

AT&T Response: Wireless and wireline networks have an interconnected architecture with wireless services utilizing backhaul and other transport services of wireline networks. The backhaul and transport services of wireline networks are designed with robust backup power systems at locations such as central offices, switching centers and 9-1-1 selective routers. These facilities need to and do remain in service to support the wireless service across the integrated networks. When providing backhaul services, AT&T typically uses fiber lines where they are available, which do not normally require backup power up between the central office and the wireless cell site.

5. Are the five proposed conditions reasonable? What is the significance of each of these conditions?

Wireline Industry Proposal Condition 1: The customer's facility is powered either by its own backup power or via commercial power.

AT&T Response: Yes, this condition is necessary because, as described in these comments, much of the telephone equipment used on customers' premises requires a power supply and typically relies on commercial power. Unless customers have sufficient backup power to operate their telephone equipment and devices during a power outage, those customers cannot avail themselves of wireline services, rendering wireline providers' investment to ensure continuity of service a waste.

Wireline Industry Proposal Condition 2: The wireline company owns the network components that serve the customer (e.g., not including leased facilities).

AT&T Response: AT&T declines to comment as this condition does not apply to AT&T's proposed implementation of the Wireline Industry Proposal.

Wireline Industry Proposal Condition 3: The wireline company can obtain the necessary access, permits and/or other relevant approvals to install and maintain equipment, as long as doing so does not present risk of harm to persons or property and is feasible.

AT&T Response: Yes, this condition is reasonable in certain instances where a local permit or other permissions are required to provide wireline service to the customer, including installation of additional fiber or backup power.

Wireline Industry Proposal Condition 4: The wireline company's facilities have not been damaged and any backup power equipment can be safely accessed by workers for refueling and other maintenance purposes.

AT&T Response: Yes, this is a reasonable condition. In the event of a disaster or other damage to wireline facilities, continuity of service may require repair, refueling or maintenance. Access to wireline facilities to perform these activities may be limited or inhibited by local authorities, emergency conditions or other safety considerations.

Wireline Industry Proposal Condition 5: For PSPS events, the investor-owned utilit[y] (IOU) has provided the mandatory 48 to 72 hours' notice to the wireline communications facility operator, consistent with the guidelines adopted in D.19-05-042.

AT&T Response: Yes, this condition is critical because advanced planning is required to prioritize generator deployment to maintain critical services during PSPS events. Without sufficient notice, wireline service providers cannot properly prioritize deployment of limited assets, such as portable generators, leaving important critical locations vulnerable and without backup.

6. *How will the specific customers within each of the critical facility categories be identified?*

AT&T Response: AT&T recommends that the Commission work with Cal OES and wireline service providers to facilitate the development and maintenance of a list of specific customers within each critical facility category in HFTD Tiers 2 and 3.

7. *Will critical facility customers pay an additional premium to receive service that is maintained throughout a loss of power?*

AT&T Response: AT&T anticipates that there will be no “additional premium” for identified critical customers for assurance of continuous service up to 72 hours; however, there may be a one-time non-recurring charge or special construction charge to establish end-to-end fiber for non-critical customers. In addition, the prices for the services selected by the customer that will be provided over the fiber facilities may differ from the prices for the services the customer currently receives over the copper facilities.⁹⁰

8. *Is 12 months a reasonable timeline to implement these requirements?*

AT&T Response: The Commission should adopt a reasonable timeframe to allow wireline communications facility operators to adopt this framework. AT&T anticipates being able to implement the Wireline Industry Proposal as described above within 12 months of a Commission decision.

⁹⁰ Luong Declaration, para. 26.

C. Ruling Section 2.3: Communities Without Sufficient Wireless Coverage

In response to assertions that some rural communities do not have adequate wireless service, and therefore must rely on wireline service that may not work when the electric company fails to provide commercial power, the Ruling asks:

1. *Is this concern reasonable?*
2. *Are there other communities without sufficient wireless coverage that rely solely on wireline communications?*
3. *If the wireline industry proposal is adopted, how would these communities receive vital emergency notices, such as evacuation alerts, particularly during a power outage?*
4. *Should additional requirements be developed for wireline service providers to maintain service in these communities during a power outage?*
5. *How can these communities be identified?*
6. *Could the Commission's CalSPEED program be used to identify these communities?*

AT&T Response: To the extent this is an issue for certain communities, it is primarily caused by the electric companies' decisions to shut off power to them in order to mitigate fire hazards caused by electric facilities. Existing de-energization guidelines require electric companies to consider the potential harms of de-energization when deciding whether to de-energize.⁹¹ The electric company should not de-energize if the harms of de-energization are greater than the potential benefits of reduced electric facility wildfire risk.⁹² When a shutoff includes a community without adequate wireless service, the electric company must carefully weigh the risk to that community, including the risk of lost communications service, against any potential benefit. This should reduce the prevalence and extent of shutoffs affecting such communities.

⁹¹ D.19-05-042, *mimeo*, Appendix A at A24.

⁹² *Id.*

Moreover, electric companies “must proactively partner with critical facility and critical infrastructure representatives to assess the ability of each critical facility to maintain operations during de-energization events of varying lengths.”⁹³ This includes partnering with communications facilities, which are considered “critical facilities.”⁹⁴ Electric companies must also “help critical facility and critical infrastructure representatives assess the need for backup generation and determine whether additional equipment is needed, including providing generators to facilities or infrastructure that are not well prepared for a power shut off.”⁹⁵ Thus, the Commission’s de-energization guidelines instruct the electric companies to take the lead in identifying areas that may require additional preparation for power shutoffs.

The Commission has also instructed electric companies to convene working groups and advisory boards including tribal and local governments.⁹⁶ Working with tribal and local governments in these groups, the electric companies should identify any communities that likely will be subject to shutoffs that may not have adequate wireless coverage.⁹⁷ The electric companies should then work with wireless providers to determine whether the community actually does have inadequate coverage. As noted above, any coverage gap identified should be taken into consideration when determining whether to shut off power to the community.

If a community without wireless coverage is verified by the wireless providers, and the electric company notifies AT&T of a potential PSPS event in a verified community, AT&T will prioritize portable deployment for any RTs and VRADs supporting AT&T’s wireline network in

⁹³ D.19-05-042, *mimeo*, Appendix A at A12.

⁹⁴ *Id.*, *mimeo*, Appendix A at A4-A5

⁹⁵ D.19-05-042, *mimeo*, Appendix A at A12.

⁹⁶ D.20-05-051, *mimeo*, Appendix A at 1-2.

⁹⁷ The CalSPEED program does not appear to be an appropriate tool for identifying these communities because CalSPEED is more focused on mobile broadband speed than wireless coverage and the CalSPEED data appears outdated (from 2017). See <https://www.cpuc.ca.gov/General.aspx?id=1778>

the verified community. To ensure AT&T has adequate time to operationalize this prioritization, the electric company should notify AT&T of any verified community at least 30 days before any power shutoff in the area. In addition, the electric company must provide AT&T the notice required by the Commission's de-energization guidelines for each shutoff event. AT&T's ability to support any verified communities will, of course, be subject to applicable regulatory and access restrictions. And, as explained above,⁹⁸ the customer most likely will require backup power at their premises for AT&T's wireline service to operate during a power shutoff.


D. Ruling Section 2.4: Federal Communications Commission (FCC) Backup Battery Requirements

Finally, the Ruling recognizes that the FCC has established certain requirements relating to backup power at the customers' premises and asks:⁹⁹

- 1. For providers subject to these requirements, please discuss how many subscribers have purchased these backup power devices in California, on a year by year basis since 2015.*
- 2. Given the expectation that these batteries will ensure service for a 24-hour period, can these wireline networks maintain service for 24 hours? Is a 24-hour backup power requirement for wireline networks more feasible than a 72-hour backup power requirement? If not, please indicate why not?*

AT&T Response: Certain services offered by AT&T are subject to these requirements.

AT&T offers customers the option of purchasing up to 24-hour backup power options. AT&T sells some of these options directly to customers, but most of the sales are handled by third-party vendors. As a result, AT&T does not have access to comprehensive records of the backup units sold.

AT&T directly sells backup battery capacity for one type of customer premises equipment. From 2019 to present, AT&T has sold *****BEGIN CONFIDENTIAL**  **END**

⁹⁸ See Section III.2.d. of these comments.

⁹⁹ Wireline Ruling at 8-9.

CONFIDENTIAL*** of those 24-hour units across its service area in the United States.

Batteries for AT&T's other customer premises equipment are sold by a third-party vendor. The batteries that vendor sells can be used for AT&T's equipment and also for equipment used by other service providers. The vendor does not have sufficient information to identify which batteries were sold to AT&T customers, but it did provide what it described as the total number of batteries it has shipped to California, either directly to California customers or to warehouses located in California. Thus, these numbers likely far overstate the number of batteries sold to AT&T's California customers:

*****BEGIN CONFIDENTIAL**

END CONFIDENTIAL ***

Thus, a very small percentage of AT&T's customers have taken advantage of these backup power options, and it appears likely that AT&T's customers have little backup power capability at their residences. The public benefit of any additional amount of backup power in wireline networks is severely limited by the apparent lack of any meaningful amount of backup power at the customers' premises.

IV. CONCLUSION

AT&T supports the Commission's efforts to establish a collaborative and flexible approach to communications resiliency. As reflected in the Commission's Wireless Resiliency Decision, this approach to resiliency already should ensure that more than 90% of California households have the ability to receive emergency notifications and communicate during power shutoffs and disasters. Due to the distributed nature of wireline networks, and the limited benefit

of a ubiquitous wireline backup power requirement, an approach focused on the most critical wireline customers is appropriate. Thus, AT&T proposes that any wireline resiliency proposal be dedicated to benefitting first responders, hospitals, emergency command centers, wireless backhaul and communities without wireless service in HFTD Tiers 2 and 3, as described more fully above.

Date: August 12, 2020

Respectfully submitted,

/s/

DAVID J. MILLER
MARGARET M. THOMSON
DAVID DISCHER
WALID ABDUL-RAHIM

AT&T Services, Inc.
430 Bush Street, Sixth Floor
San Francisco, CA 94108
Tel: (415) 268-9497
Fax: (281) 664-9478
E-mail: davidjmillers@att.com

Attorneys for AT&T